

0106th TN General Assembly

Second Regular Session



Wednesday, February 17, 2010

Senate – 57th Legislative Day House – No Session

SENATE

BILLS / RESOLUTIONS

- SR 0193 by *Ketron**
Memorials, Recognition - Don Schneider -
- SR 0194 by *McNally, Yager**
Memorials, Professional Achievement - Jill Prudden, 900th victory -
- SR 0195 by *Norris**
Memorials, Recognition - Eric and Jo Ann Maupin, Tennessee Young Farmers of the Year -
- *SJR 0784 by *Burchett**
General Assembly, Directed Studies - Requests reports from the department of environment and conservation relative to TVA Emergency Preparedness and transition to Dry Coal Ash Storage. -
- SJR 0785 by *Ramsey, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney L, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero B, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager**
Memorials, Personal Occasion - Lula Mae Bell Tillman, 105th Birthday -
- SJR 0786 by *Berke, Watson**
Memorials, Recognition - green|spaces Resource Center in Chattanooga, LEED Platinum Certification -
- SJR 0787 by *Berke**
Naming and Designating - "National Adoption Day," November 20, 2010 -
- SJR 0788 by *Barnes**
Memorials, Recognition - Katelin R. Kennedy, Miss Tennessee High School 2010 -
- SJR 0789 by *Bunch**
Memorials, Recognition - Mayfield Dairy, 100th anniversary -
- SJR 0790 by *Jackson**
Memorials, Retirement - Tim Aston -
- SJR 0791 by *Johnson**
Memorials, Retirement - Mary Mills -
- SJR 0792 by *Burchett, Woodson, McNally**
Memorials, Public Service - Mike and Martha Keel, Mike and Martha Keel Agriculture Grounds Enhancement Endowment -
- *SJR 0793 by *McNally, Burchett, Henry**
General Assembly, Statement of Intent or Position - Urges Congress to propose an amendment concerning the application of certain federal laws to both citizens and senators and representatives and to submit such amendment to the states for ratification. -

(Senate Resolutions cont.)

SJR 0794 by *Norris

Naming and Designating - Medical Education and Research Institute, Simulation Center of Excellence -

SJR 0795 by *Ramsey

Memorials, Recognition - Sullivan South High School cheerleaders, Athletic Cheerleading Championship medium varsity division winners -

SB 3921 by *Southerland

Morristown - As introduced, subject to local approval, increases the hotel/motel tax from 5 percent to 7 percent. - Amends Chapter 354 of the Private Acts of 1982.

SB 3922 by *Stewart (HB 3953 by *Harmon)

Altamont - As introduced, subject to local approval, amends the charter to reset the month of the election of the mayor and aldermen from May to November; extends the term of the mayor and aldermen in the next election to meet the November 2012 election date. - Amends Chapter 664 of the Private Acts of 1917; as amended.

SB 3923 by *Black (HB 3957 by *Maggart, Lynn, McDonald)

Sumner County - As introduced, subject to local approval, establishes procedure for distribution of proceeds of the hotel/motel tax. - Amends Chapter 7 of the Private Acts of 1985.

THIRD CONSIDERATION

Consent Calendar:

SJR's 766, 769, 770, 771, 772, 773, 774 – ADOPTED 26-0.

SJR's 775, 776, 777, 779, 780, 781, 782 – ADOPTED 26-0.

SR's 189, 190, 191, 192 – ADOPTED 26-0.

Consent Calendar #2:

SB's 2446, 2448, 2450, 2452, 2454 – PASSED 27-0.

SB's 2496, 2731 – RE-SET to 2/18/10..

SB 2836 – PASSED 27-0.

SB 2617 - RE-SET to 2/18/10.

SB's 2933, 2967 – PASSED 27-0.

SB 3034 – RE-SET to 2/18/10.

SB's 3057, 3435 – PASSED 27-0.

SR's 178, 179, 180, 181 – ADOPTED 27-0.

Local Bill Consent:

SB 2380 – s/c HB 2414 – PASSED 29-0.

Regular Calendar::

SB 2411 – Amd. #1 ad. – PASSED AS AMENDED 29-1.

SB 2570 – Amd. #1 ad. – PASSED AS AMENDED 31-0.

SB 2898 – Amd. #1 ad. – PASSED AS AMENDED 30-0.

SB 3045 – Amd. #1 ad. – PASSED AS AMENDED 31-0.

SB 3498 – Amd. #1 ad. – PASSED AS AMENDED 26-1.

SB 3713 – Amd. #1 ad. – PASSED AS AMENDED 32-0.

SB 3295 – PASSED 30-0.

Message Calendar:

HB 2376 – Conference Committee Report ADOPTED 31-0.

COMMITTEE REPORTS

EDUCATION – SHR #12 – 1:00 p.m. –

Rec. for pass., ref to Calendar – SB's 3031, 3512, 2793.

Action def. – SB's 2416, 2480, 3583, 3600, 3595.

Ref. to Gen. Sub. – SB 3541.

(Committee Reports cont.)

GENERAL WELFARE, HEALTH & HUMAN RESOURCES – SHR #12 – 3:30 p.m. –

Rec. for pass. if am., ref to Calendar – SB's 2561, 1788.

Action def. – SB's 3853, 2639.

GOVERNMENT OPERATIONS – SHR #12 – 2:30 p.m. –

Action def. – SB's 2455, 2458, 2459, 2463, 2464, 2467, 2449, 2443, 2462, 2457, 2440, 2451, 2453.

STATE & LOCAL GOVERNMENT – SHR #12 – 10:00 a.m. –

Rec. for pass., ref to Calendar – SB's 2492, 2859, 2576, 2577, 2578.

Rec. for pass. if am., ref to Calendar – SB 2681.

Rec. for pass. if am., ref to FW&M – SB 2625.

Rec. for adopt., ref to Calendar – SJR's 759, 760, 778.

Rec. for concur., ref to Calendar – HJR 749.

Action def. – SB's 2738, 2879, 2580, 2581, 2944, 2945, 135.

CALENDARS FOR THURSDAY, FEBRUARY 18, 2010

Consent

1. SJR 0764 by *Gresham, Henry, McNally, Herron

Memorials, Death - Lt. Governor John S. Wilder -

Consent #2

1. *SB 2720 by *Overbey (HB 2903 by *Shepard)

Physicians and Surgeons - As introduced, adds the term "Level III Office based surgery" to statute governing office-based surgery. - Amends TCA Title 63, Chapter 6.

2. SB 3046 by *Overbey (*HB 3047 by *Fitzhugh)

Trusts - As introduced, increases from \$25,000 to \$150,000 the value of an institutional fund for which modification of a restriction on a gift instrument is permitted. - Amends TCA Section 35-10-206.

3. SB 3553 by *Ketron, Finney L (*HB 3453 by *Todd, Jones S, Jones U)

Alcoholic Beverages - As introduced, adds Pates Ford Marina in DeKalb County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort. - Amends TCA Section 57-4-102(24).

4. SB 3578 by *Ketron (*HB 3006 by *Marsh)

Alcoholic Offenses - As introduced, allows Walking Horse Hotel in Bedford County to sell alcoholic beverages for consumption on premises. - Amends TCA Section 57-4-102.

5. SB 3814 by *Johnson (*HB 3644 by *Sargent)

Business Organizations - As introduced, authorizes anyone to apply to the secretary of state to furnish a certificate of existence for a domestic LLC, LLP, or LP or a certificate of authorization for a foreign LLC, LLP, or LP. - Amends TCA Title 48 and Title 61.

6. *SB 3870 by *Kyle, Henry (HB 3804 by *Winningham, Turner M)

Human Services, Dept. of - As introduced, authorizes the commissioner to adjust any eligibility criteria, by emergency rule, for any block grant or other federal or department program to permit immediate response to federal funding changes in such programs in order to maximize the availability of service to eligible persons. - Amends TCA Section 71-1-105.

Regular

1. *SB 2390 by *Jackson (HB 2567 by *Fincher)

Firearms and Ammunition - As introduced, allows person without handgun carry permit to transport rifle or shotgun in privately-owned motor vehicle provided there is no ammunition in the chamber or cylinder and no loaded clip or magazine in the weapon or in close proximity to the weapon. - Amends TCA Title 39, Chapter 17, Part 13.

2. *SB 2428 by *Watson, Johnson (HB 2593 by *Lynn)

Sunset Laws - As introduced, extends board of examiners for architects and engineers, June 30, 2011. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 2, Part 2.

(Regular Calendar cont.)

3. ***SB 2431 by *Watson, Johnson (HB 2609 by *Lynn)**
Sunset Laws - As introduced, extends the private investigation and polygraph commission, June 30, 2011. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 26.
4. ***SB 2433 by *Watson, Johnson (HB 2614 by *Lynn)**
Sunset Laws - As introduced, extends real estate appraiser commission, June 30, 2011. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 39.
5. ***SB 2434 by *Watson, Johnson (HB 2613 by *Lynn)**
Sunset Laws - As introduced, extends real estate commission, June 30, 2011. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 13.
6. ***SB 2436 by *Watson, Johnson (HB 2611 by *Lynn)**
Sunset Laws - As introduced, extends Tennessee auctioneer commission, June 30, 2011. - Amends TCA Title 4, Chapter 29 and Title 62, Chapter 19.
7. **SB 2501 by *Haynes (*HB 2503 by *Moore)**
Consumer Protection - As introduced, creates an offense, classified as a Class A misdemeanor, for intentionally concealing or misrepresenting the telephone number utilized by ADAD equipment. - Amends TCA Title 47, Chapter 18, Part 15.
8. **SB 2949 by *Watson, Crowe, Ketron (*HB 2862 by *Lynn)**
Sunset Laws - As introduced, extends the air pollution control board, June 30, 2012. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201, Part 1.
9. ***SB 3144 by *Black (HB 3368 by *Maggart)**
Health Care - As introduced, clarifies nurses who can work with medication aides. - Amends TCA Title 63.
10. **SB 3359 by *Kyle (*HB 2895 by *Naifeh, DeBerry L, Shepard, Dean, Maddox, Camper, Shaw, Turner J)**
Physicians and Surgeons - As introduced, authorizes the board of medical examiners to issue a St. Jude Children's Research Hospital Global Collaboration license. - Amends TCA Title 63, Chapter 6, Part 2.
11. **SB 3407 by *Burchett, Beavers, Ketron (*HB 3523 by *Harwell, Odom)**
Consumer Protection - As introduced, prohibits the installing of covered file-sharing programs on a computer without providing clear and conspicuous notice to the owner that files will be publicly available; establishes that such practices violate the Tennessee Consumer Protection Act. - Amends TCA Title 47, Chapter 18, Part 1.
12. ***SB 3522 by *Overbey (HB 3861 by *Coleman, Fincher, McManus, Rich)**
Trusts - As introduced, updates the trust laws. - Amends TCA Title 35; Title 45, Chapter 2 and Title 66.
13. **SB 3581 by *Ketron (*HB 3201 by *Eldridge, Dennis, Shaw, Maggart, Miller L, Carr, Matheny, Coley)**
Codes - As introduced, requires carbon monoxide alarm detectors to be installed in all residential structures. - Amends TCA Title 68, Chapter 120, Part 1.
14. **SB 3815 by *Johnson (*HB 3645 by *Sargent)**
Business Organizations - As introduced, creates an additional exception to the general rule that the name of a corporation or limited partnership (LP) must be distinguishable upon the records of the secretary of state from the name of another business organization authorized to do business in this state. - Amends TCA Title 48 and Title 61.
15. **SJR 0708 by *Haynes, Kyle, Marrero B, Harper, Jackson, Henry**
Memorials, Recognition - Hedy Weinberg -
16. ***SB 2496 by *Overbey (HB 3243 by *McCord)**
Alcoholic Beverages - As introduced, authorizes the sale and consumption of alcoholic beverages on the premises of the Clayton Center for the Arts in Blount County. - Amends TCA Section 57-4-101; Section 57-4-102 and Section 57-4-301.
17. **SB 2617 by *McNally (*HB 2571 by *Hackworth)**
Alcoholic Beverages - As introduced, allows Oak Ridge Playhouse to sell alcoholic beverages for consumption on premises. - Amends TCA Section 57-4-102.
18. **SB 2731 by *Berke (*HB 2580 by *Brown, Favors)**
Alcoholic Beverages - As introduced, allows Majestic Theater in Chattanooga to sell alcoholic beverages for consumption on premises. - Amends TCA Section 57-4-102.

(Regular Calendar cont.)

19. SB 3034 by *Faulk (*HB 3034 by *Casada)

Alcoholic Beverages - As introduced, adds Sligo Marina in Dekalb County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort. - Amends TCA Section 57-4-102.

SENATE CONVENES AT 9:00 A.M., THURSDAY, FEBRUARY 18, 2010

H O U S E

COMMITTEE REPORTS

CONSUMER & EMPLOYEE AFFAIRS – HHR #29 – 8:30 a.m. –

Action def. – HB 2551.

GOVERNMENT OPERATIONS – HHR #29 – 10:00 a.m. –

Rec. for pass., ref to C&R – HB's 2461, 2465, 2472.

Rec. for pass., ref to ED – HB 2996.

Rec. for pass., ref to JUD – HB 2917.

Rec. for pass. if am., ref to Commerce – HB 2503.

Action def. – HB's 2811, 3079, 3362, 3567, 3804, 3210, 3847, 2467, 2595, 2856, 2857, 2858, 2861, 2862, 3291.

SUBCOMMITTEE REPORTS

Budget – HHR #29 – 11:00 a.m. –

Rec. for pass. – HB 2524.

Rec. for pass. if am. – HB 3023.

Rec. for concur. – SJR 30.

Action def. – HB's 3473, 2950, 2825, 3033.

Taken off notice – HB 2695, HJR 149.

Behind Budget – HB 3008.

Civil Practice & Procedure – HHR #31 – 12:30 p.m. –

Rec. for pass. – HB's 2847, 2767, 3047, 3644, 2687, 3203, 3863.

Rec. for pass. if am. – HB's 3645, 3862.

Action def. – HB's 2941, 3630, 3338, 3078, 3643, 2760, 3631, 2670, 3861.

Taken off notice – HB's 680, 682, 2809.

Criminal Practice & Procedure – HHR #31 – 11:00 a.m. –

Rec. for pass. – HB's 2625, 2851, 3222, 3269, 3270, 3272, 3271.

Rec. for pass. if am. – HB's 2768, 3031, 2752.

Failed – HB 2539.

Action def. – HB's 2059, 2690, 3279, 3284, 2962, 3040, 2796, 3370, 2951, 1827, 2718, 3561, 1645, 1801, 1808, 1809, 1805, 1806, 1807, 1374, 1130, 1129, 3282, 2765.

Taken off notice – HB 517.

(Subcommittee Reports cont.)

Employee Affairs – HHR #29 – 12:30 p.m. –

Taken off notice – HB 1566.

Health Care Facilities – HHR #30 – 12:30 p.m. –

Action def. – HB's 2520, 2790.

Higher Education – HHR #16 – 9:15 a.m. –

Rec. for pass. if am. – HB 379.

Taken off notice – HB 2699.

Industrial Impact – HHR #30 – 10:00 a.m. –

Action def. – HJR's 722, 704, 745, HB's 2622, 2586, 3002, 2794, 3158.

Taken off notice – HB 2841.

K-12 – HHR #16 – 10:00 a.m. –

Rec. for pass. – HB's 2754, 3530, 3590.

Rec. for adopt. – HJR 767.

Action def. – HB 2759, 3867, 3711, 3415, 3737, 3875, HJR 781.

Taken off notice – HB's 3474, 3498, 3884, 2451, 2641, 3102, 3693, 3777..

Local Government – HHR #31 – 8:30 a.m. –

Rec. for pass. – HB's 3608, 3609, 3610, 2748, 3354, 3355, 2509, 2510, 3006, 2870, 3147, 3176.

Rec. for pass. if am. – HB's 3185, 2491, 3070.

Action def. – HB's 2712, 3243, 2894, 3565, 3204, 3128, 2865, 2822, 2842, 3190, 3192, 3175, 2675, 3639, 3469, 3779.

Taken off notice – HB 3039.

Parks & Tourism – HHR #16 – 12:30 p.m. –

Rec. for pass. – HB 3829.

Public Health & Family Assistance – HHR #30 – 1:30 p.m. –

Rec. for pass. – HB 3202.

Rec. for pass. if am. – HB 2823.

Action def. – HB's 3495, 2504.

Small Business – HHR #30 – 9:15 a.m. –

Action def. – HB's 3478, 3320, 3571.

Taken off notice – HB 2836.

COMMITTEE CALENDAR FOR THURSDAY, FEBRUARY 18, 2010

CALENDAR & RULES – HHR #16 – 8:00 a.m. –

HB's 539, 3265, 2758, 2650, 2806, 2778, 2500, 2657, 770, 2576, ,2709, 2710, 2711.

CALENDARS FOR THURSDAY, FEBRUARY 18, 2010

Consent

1. HB 2487 by *Harmon (SB 2611 by *Stewart)

Palmer - As introduced, subject to local approval, amends the charter of Palmer to grant four-year terms of office to the town's mayor and two of the four aldermen receiving the most votes in the 2010 election; thereafter, all four aldermen shall have four-year terms of office. - Amends Chapter 318 of the Private Acts of 1925; as amended by Chapter 129 of the Private Acts of 1986, Chapter 166 of the Private Acts of 1990, Chapter 109 of the Private Acts of 2006, and any other acts amendatory thereto. - The Abstract summarizes HB2487 as introduced.

2. HB 2415 by *Hackworth, Winningham (SB 2381 by *McNally)

Anderson County - As introduced, subject to local approval, repeals charter provision requiring deeds for the conveyance of land to be presented to county and city tax assessor offices prior to being registered with register's office. - The Abstract summarizes HB2415 as introduced.

3. *HR 0225 by *Maggart, Stewart, Rich, Favors, Ford , Richardson

General Assembly, Studies - Extends reporting deadline for infant mortality study committee from February 1, 2010, to April 1, 2010. - The Abstract summarizes HR0225 as introduced.

(Consent Calendar cont.)

- 4. HB 2570 by *Coleman (*SB 2417 by *Norris, Kyle)**
Statutes and Codification - As introduced, codifies the acts of the 2009 legislative session. - The Abstract summarizes HB2570 as introduced.
- 5. HR 0235 by *Coleman, Sontany, Lundberg**
Court Rules - Approves amendments and revisions to the Tennessee Rules of Criminal Procedure. - The Abstract summarizes HR0235 as introduced.
- 6. HR 0236 by *Coleman, Sontany, Lundberg**
Court Rules - Approves amendments and revisions to the Tennessee Rules of Evidence. - The Abstract summarizes HR0236 as introduced.
- 7. HR 0238 by *Coleman, Sontany, Lundberg**
Court Rules - Approves amendments and revisions to the Tennessee Rules of Appellate Procedure. - The Abstract summarizes HR0238 as introduced.
- 8. HR 0239 by *Coleman, Sontany, Lundberg**
Court Rules - Approves amendments and revisions to the Tennessee Rules of Civil Procedure. - The Abstract summarizes HR0239 as introduced.
- 9. HB 2741 by *Brooks K (SB 2706 by *Bunch)**
Cleveland - As introduced, subject to local approval, amends the charter of Cleveland to clarify that a vacancy shall occur if the mayor or a council member fails to attend three consecutive regular meetings of the city council, and further changes the required 13-day lapse between the first and second reading of an ordinance to a 12-day lapse. - Amends Chapter 78 of the Private Acts of 1993; as amended. - The Abstract summarizes HB2741 as introduced.
- 10. HR 0243 by *Hawk**
Memorials, Death - Robert Sams - The Abstract summarizes HR0243 as introduced.
- 11. HR 0244 by *Bass**
Memorials, Retirement - William "Doc" Oliver - The Abstract summarizes HR0244 as introduced.
- 12. HR 0245 by *Hackworth**
Memorials, Personal Occasion - James and Peggy Hackworth, 60th wedding anniversary - The Abstract summarizes HR0245 as introduced.
- 13. HJR 0822 by *Bell, Hill**
Memorials, Personal Occasion - Lula Mae Bell Tillman, 105th birthday - The Abstract summarizes HJR0822 as introduced.
- 14. HJR 0824 by *Gilmore**
Memorials, Recognition - Zackery Lystedt Brain Project - The Abstract summarizes HJR0824 as introduced.
- 15. HJR 0825 by *Cobb J**
Memorials, Professional Achievement - Ryan Newell, Eagle Scout - The Abstract summarizes HJR0825 as introduced.
- 16. SJR 0762 by *McNally, Yager**
Memorials, Death - Q.V. Leinart - The Abstract summarizes SJR0762 as introduced.

Regular

- 1. HB 0381 by *Sargent, Eldridge (*SB 0273 by *Ketron, Stanley, Burchett, Johnson, Beavers, Yager)**
Commerce and Insurance, Dept. of - As introduced, allows commissioner to initiate investigation under the Tennessee Insurance Producer Licensing Act of 2002 upon receiving a written complaint from a member of the public or determination by commissioner that "good cause" exists that a violation occurred. - Amends TCA Title 56, Chapter 6 and Title 56, Chapter 8.
- 2. *HB 2571 by *Hackworth (SB 2617 by *McNally)**
Alcoholic Beverages - As introduced, allows Oak Ridge Playhouse to sell alcoholic beverages for consumption on premises. - Amends TCA Section 57-4-102. - The Abstract summarizes HB2571 as introduced.
- 3. *HB 0699 by *Fincher (SB 0983 by *Berke)**
Judges and Chancellors - As introduced, clarifies that a retired judge or a general sessions judge may administer the required oath to support the constitutions to an inferior court judge. - Amends TCA Title 17.

(Regular Calendar cont.)

4. HB 2669 by *Carr (*SB 2530 by *Tracy)

Lottery, Charitable - As introduced, extends deadline for applications for 2009-2010 annual events from 15 days after May 7, 2009, to five days after this act becomes law; requires secretary of state to submit third omnibus list for 2009-2010 annual events. - Amends TCA Title 3, Chapter 17, Part 1. - The Abstract summarizes HB2669 as introduced.

5. HJR 0803 by *McCormick, Dean

Memorials, Public Service - Congressman Zach Wamp - The Abstract summarizes HJR0803 as introduced.

6. HR 0229 by *Jones U, Sargent, Maddox, McDaniel, Odom, Fincher, DeBerry L, Turner M, Mumpower

House of Representatives - Establishes Ethics Code for the House of Representatives. - The Abstract summarizes HR0229 as introduced.

Message

1. *HB 1360 by *Niceley, Bass, Faulkner, Borchert, (SB 1899 by *Faulk, Barnes, Berke, Black, Burchett)

Milk, Dairy Products - As introduced, enacts the "Dairy Farmers Prosperity Act." - Amends TCA Title 44 and Title 53.

2. *HB 2069 by *Cobb J, Floyd, Dean (SB 2101 by *Watson, Yager, Johnson)

Motor Vehicles - As introduced, authorizes certain municipalities to allow golf carts on certain public roads within their jurisdiction upon the adoption of an ordinance by a two-thirds vote. - Amends TCA Title 55, Chapter 1, Part 1 and Title 55, Chapter 8.

HOUSE CONVENES AT 9:00 A.M., THURSDAY, FEBRUARY 18, 2010